

House File 480 - Introduced

HOUSE FILE 480

BY KELLEY

A BILL FOR

- 1 An Act requiring employers to provide employment leave
- 2 to attend parent-teacher conferences and including
- 3 applicability provisions.
- 4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 84A.5, subsection 4, Code 2015, is
2 amended to read as follows:

3 4. The division of labor services is responsible for the
4 administration of the laws of this state under chapters 88,
5 88A, 88B, 89, 89A, 89B, 90A, 91, 91A, 91C, 91D, 91E, 91F, 92,
6 and 94A, and section 85.68. The executive head of the division
7 is the labor commissioner, appointed pursuant to section 91.2.

8 Sec. 2. Section 91.4, subsection 2, Code 2015, is amended
9 to read as follows:

10 2. The director of the department of workforce development,
11 in consultation with the labor commissioner, shall, at the
12 time provided by law, make an annual report to the governor
13 setting forth in appropriate form the business and expense of
14 the division of labor services for the preceding year, the
15 number of remedial actions taken under chapter 89A, the number
16 of disputes or violations processed by the division and the
17 disposition of the disputes or violations, and other matters
18 pertaining to the division which are of public interest,
19 together with recommendations for change or amendment of the
20 laws in this chapter and chapters 88, 88A, 88B, 89, 89A, 89B,
21 90A, 91A, 91C, 91D, 91E, 91F, 92, and 94A, and section 85.68,
22 and the recommendations, if any, shall be transmitted by the
23 governor to the first general assembly in session after the
24 report is filed.

25 Sec. 3. NEW SECTION. 91F.1 Definitions.

26 As used in this chapter, unless the context otherwise
27 requires:

28 1. "*Child*" means a biological, adopted, or foster child,
29 a stepchild, a legal ward, or a child of a person standing in
30 loco parentis who is under eighteen years of age or is eighteen
31 years of age or older and incapable of self-care because of a
32 mental or physical disability.

33 2. "*Commissioner*" means the labor commissioner, appointed
34 pursuant to section 91.2.

35 3. "*Eligible employee*" means an employee as defined in

1 section 91A.2 who has been employed for at least twelve months
2 and for at least one thousand two hundred fifty hours during
3 the previous twelve-month period by the employer from whom
4 leave permitted by this chapter is requested.

5 4. "*Employer*" means a person who, in this state, employs
6 fifty or more natural persons for each working day during
7 each of twenty or more calendar work weeks in the current or
8 preceding calendar year.

9 5. "*Leave*" means full or partial absence from an eligible
10 employee's ordinary job responsibilities either with full or
11 partial pay or without pay.

12 Sec. 4. NEW SECTION. 91F.2 Leave for parent-teacher
13 conferences authorized.

14 Except as provided in section 91F.3, an eligible employee
15 shall be entitled to take leave to attend a parent-teacher
16 conference.

17 Sec. 5. NEW SECTION. 91F.3 Exemption.

18 1. An employer may deny leave under section 91F.2 to an
19 eligible employee if all of the following apply:

20 a. Denial is necessary to prevent substantial economic
21 injury to the operations of the employer.

22 b. The employer notifies the employee of the intent of the
23 employer to deny restoration of the employee's position on such
24 basis at the time the employer determines that such injury
25 would occur.

26 c. In any case in which the leave has commenced, the
27 employee elects not to return to employment after receiving
28 such notice.

29 2. This section applies only to an eligible employee who
30 is a salaried employee and who is among the highest-paid ten
31 percent of the employees employed by the employer within
32 seventy-five miles of the facility at which the eligible
33 employee is employed.

34 Sec. 6. NEW SECTION. 91F.4 Leave requirements.

35 1. An employer shall not be required to pay an eligible

1 employee for any leave taken pursuant to section 91F.2.
 2 However, an eligible employee taking leave permitted by this
 3 chapter may elect to substitute for the leave permitted under
 4 this chapter any of the eligible employee's accrued vacation
 5 leave or other accrued time off during such period or any other
 6 paid or unpaid time off negotiated with the employer.

7 2. An eligible employee shall provide the employer with
 8 reasonable advance notice of foreseeable need for leave
 9 permitted by this chapter. Reasonable notice shall be at least
 10 thirty days where practical. An eligible employee shall make
 11 a reasonable effort in the scheduling of leave so as not to
 12 unduly disrupt the operations of an employer.

13 3. An employer may require that a request for leave under
 14 this chapter be supported by a certification issued by a
 15 school superintendent, principal, or other school authority of
 16 the eligible employee's child. The eligible employee shall
 17 provide, in a timely manner, a copy of such certification to
 18 the employer. The certification shall include the date on
 19 which the leave is expected to occur.

20 Sec. 7. NEW SECTION. 91F.5 Employer notice.

21 An employer shall post, in conspicuous places on the
 22 premises of the employer where notices to eligible employees
 23 and applicants for employment are customarily posted, a notice,
 24 to be prepared or approved by the commissioner, setting forth
 25 excerpts from, or summaries of, the pertinent provisions of
 26 this chapter. The commissioner shall adopt rules pursuant to
 27 chapter 17A providing for requirements for such notice.

28 Sec. 8. APPLICABILITY. This Act applies only to those
 29 collective bargaining agreements entered into on or after the
 30 effective date of this Act.

31 EXPLANATION

32 The inclusion of this explanation does not constitute agreement with
 33 the explanation's substance by the members of the general assembly.

34 This bill provides that an eligible employee is entitled to
 35 take employment leave to attend a parent-teacher conference.

1 "Leave" is defined as full or partial absence from an eligible
2 employee's ordinary job responsibilities either with full or
3 partial pay or without pay. An "eligible employee" is defined
4 as an employee as defined in Code section 91A.2 who has been
5 employed for at least 12 months and for least 1,250 hours of
6 service during the previous 12-month period by the employer
7 from whom leave is requested. An "employer" is defined as a
8 person who, in this state, employs 50 or more natural persons
9 for each working day during each of 20 or more calendar work
10 weeks in the current or preceding calendar year.

11 The bill provides that an employer may deny the leave
12 to an eligible employee if denial is necessary to prevent
13 substantial economic injury to the operations of the employer;
14 the employer notifies the employee of the employer's intent to
15 deny restoration of the employee's position on such basis at
16 the time the employer determines that such injury would occur;
17 and in any case in which the leave has commenced, the employee
18 elects not to return to employment after receiving such notice.
19 This exemption applies only to an eligible employee who is a
20 salaried employee and who is among the highest paid 10 percent
21 of the employees employed by the employer within 75 miles of
22 the facility at which the employee is employed.

23 The bill provides that the leave need not be paid leave.
24 However, an eligible employee may elect to substitute for the
25 leave any of the eligible employee's accrued vacation leave or
26 other accrued time off during such period or any other paid or
27 unpaid time off negotiated with the employer.

28 The bill requires an eligible employee to provide the
29 employer with reasonable advance notice of foreseeable need for
30 the leave. Reasonable notice shall be at least 30 days where
31 practical. An eligible employee is also required to make a
32 reasonable effort in the scheduling of the leave so as not to
33 unduly disrupt the operations of an employer.

34 The bill provides that an employer may require that a request
35 for leave be supported by a certification issued by a school

1 superintendent, principal, or other school authority of the
2 eligible employee's child. The eligible employee must then
3 provide, in a timely manner, certification to the employer.
4 The certification is to include the date on which the leave is
5 to occur.

6 The bill requires each employer to post a notice, to be
7 prepared or approved by the labor commissioner, setting forth
8 excerpts from, or summaries of, the pertinent provisions of the
9 bill.

10 The bill applies to only those collective bargaining
11 agreements entered into on or after the effective date of the
12 bill.